

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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ERIC R. BAHE, Custodian, CGM Roth	)	
Conversion of IRA,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	No. 04-CV-11195-MLW
	)	
FRANKLIN/TEMPLETON DISTRIBUTORS, INC.,	)	
FRANK T. CROHN, BURTON J. GREENWALD,	)	
CHARLES RUBENS II, LEONARD RUBIN and	)	
WILLIAM J. LIPPMAN,	)	
	)	
Defendants, and	)	
	)	
FRANKLIN BALANCE SHEET INVESTMENT FUND,	)	
	)	
Nominal Defendant.	)	
	)	

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**DEFENDANTS' OPPOSITION TO PLAINTIFF'S  
MOTION FOR CASE REASSIGNMENT**

Defendants jointly oppose plaintiff's motion for case reassignment on the following grounds:

- (1) Plaintiff makes no showing that the interest of justice or furtherance of the efficient performance of the business of the court would be served by the requested reassignment as is required by Local Rule 40.1(I).
- (2) Plaintiff makes no showing that any error has occurred in the court's administration of the judicial assignment process.
- (3) Plaintiff makes no showing that assignment of the action to Judge Wolf is improper, unfair or inefficient.

(4) Plaintiff seeks reassignment of the case to a judge who, according to plaintiff, would have been assigned the case but for plaintiff's identification of the case as a related case. However, plaintiff's related case identification fails to comply with the fundamental requirement of Local Rule 40.1(G) that related civil cases be ones in which "some or all of the parties are the same." That is not the case here, for none of the parties in the two cases identified by plaintiff as related are the same.

(5) The motion, in context, is nothing more than judge shopping, which should not be permitted.

Respectfully submitted,

FRANKLIN/TEMPLETON DISTRIBUTORS,  
INC. and WILLIAM J. LIPPMAN

By their attorney,

/s/ Daniel A. Pollack

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CHARLES RUBENS II AND LEONARD RUBIN

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